



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 11 2014

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Laura Gilliam  
Cardinal Ventures, LLC  
P.O. Box 416  
Front Royal, VA 22630

RE: Notice of Violation, Docket No. SDWA-03-2014-013-VS  
Cardinal Ventures LLC, Inwood, Berkeley County, West Virginia  
PWS ID No. WV3300239

Dear Ms. Gilliam:

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human Resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

**NOTICE OF VIOLATION**

Based on information we possess:

1. Cardinal Ventures LLC (Respondent) is the owner of the Cardinal Ventures LLC public water system (PWS), PWS Identification Number WV3300239 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections. Cardinal Ventures is a community water system that has approximately 54 connections and serves approximately 126 persons.
3. The System is served by a ground water source that is under the influence of surface water (GWUDI). West Virginia Department of Health and Human Resources made the GWUDI determination on September 28, 2006 and notified the System of its requirements.
4. Subpart H of the National Primary Drinking Water Regulations (NPDWRs), at 40 C.F.R. § 141.70, applies to systems that are served by a surface water source or by a

ground water source that is under the direct influence of surface water. Subpart T, 40 C.F.R. § 141.500, Enhanced Filtration and Disinfection for Subpart H systems serving fewer than 10,000, establishes treatment technique requirements consisting of installing and properly maintaining water treatment processes to remove *Cryptosporidium* and other microbial contaminants within 18 months.

5. In Administrative Orders dated March 11, 2009 and March 13, 2014, WVDHHR required the System to submit a plan to install a water treatment process to remove *Cryptosporidium* and other microbial contaminants.
6. Respondent failed to install filtration treatment to comply with the requirements of Subpart H and Subpart T, specifically 40 C.F.R. § 141.73 and § 141.500, by February 28, 2008.
7. From July 2012 to May 2013, and from October 2013 to the present, Respondent failed to monitor for turbidity as required by § 141.74(c) and report the results to WVDHHR in the Monthly Operating Reports.
8. Respondent failed to meet turbidity requirements of 40 C.F.R. § 141.551(a) from June to September 2013. Turbidity readings were in excess of 0.3 NTUs for more than 5% of samples collected each month.
9. Subpart Q of the NPDWRs, Public Notification of Drinking Water Violations, at 40 C.F.R. § 141.203 requires systems that violate a treatment technique provision must provide public notice not later than 30 days after the System learns of the violation. Subpart Q at 40 C.F.R. § 141.204 requires systems that violate a monitoring provision provide public notice no later than 1 year after the System learns of the violation.
10. Respondent failed to notify the public served by the System of the treatment technique violations, as required by 40 C.F.R. § §141.203.

**The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Lisa Donahue at 215-814-2062, if you want to request such advice or assistance.**

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.



## **REQUEST FOR INFORMATION**

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.

7. A copy of the most recently performed sanitary survey for the System.
8. Copies of any public notices issued since June 1, 2013, including any that were included in the Consumer Confidence Report issues for calendar year 2012.
9. Copies of turbidity monitoring from July 2012 to the present.
10. Any existing plans and schedules for installing filtration, including responses to WVDHHR Administrative Orders of March 9, 2009 and March 13, 2014.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Ms. Lisa M. Donahue  
United States Environmental Protection Agency  
Ground Water and Enforcement Branch (3WP22)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
[donahue.lisa@epa.gov](mailto:donahue.lisa@epa.gov)

and

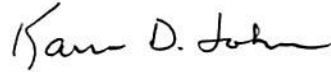
Mr. Bradley Reed, District Engineer  
West Virginia Department of Health and Human Resources  
Kearneysville District Office  
1948 Wiltshire Road, Suite 6  
Kearneysville, WV 25430  
[Bradley.R.Reed@wv.gov](mailto:Bradley.R.Reed@wv.gov)

If you have any questions, please call Lisa Donahue at 215-814-2062.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To

preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,

A handwritten signature in black ink that reads "Karen D. Johnson". The signature is written in a cursive, flowing style.

Karen D. Johnson, Chief  
Ground Water and Enforcement Branch

Enclosures

cc: Mr. Bradley Reed, Kearneysville District Office, WVDHHR  
Mr. J.D. Douglas, WVDHHR

